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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/765,576	COULOMBE ET AL.
	Examiner	Art Unit	
	MICHAEL Y. WON	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _20 August 2008_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-48_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-48_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the Request for Continued Examination and the

Amendment filed August 20, 2008.

2.   Claims 1-18 and 21-47 have been amended and new claim 48 has been added.

3.   Claims 1-48 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by

Mukherjee et al. (US 7,133,925).

INDEPENDENT:

As per **claim 1**, Mukherjee teaches a method by which a multimedia message is

transcoded en route from a sending terminal via a messaging server to a receiving

terminal, the method comprising:

a user agent of the sending terminal inserting, into the multimedia message, media characteristics of the multimedia message sufficient in detail to enable determining whether the multimedia message should be transcoded to accommodate multimedia capabilities of the receiving terminal (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

the messaging server reading the media characteristics of the multimedia message and deciding whether the multimedia message should be transcoded based only on the inserted media characteristics of the multimedia message and actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information").

As per **claim 11**, Mukherjee teaches a terminal comprising a processor configured to:

determine media characteristics of a multimedia message sufficient in detail to enable a messaging terminal to determine whether the multimedia message should be transcoded based only on a comparison of actual or assumed multimedia capabilities of a receiving terminal and the inserted media characteristics (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original

scalable encoded media data, based on matching the scalability attributes and the

receiving attributes and using the data structure information"); and

insert the media characteristics of the multimedia message into the multimedia

message (see col.3, lines 42-52: "The media source provides scalable encoded media

data in a format including first and second portion... ").

As per **claim 12**, Mukherjee teaches a messaging server comprising a processor

configured to:

obtain media characteristics of a multimedia message that are inserted into the

multimedia message intended for a receiving terminal (see col.3, lines 42-52: "The

media source provides scalable encoded media data in a format including first and

second portion... "); and

decide whether the multimedia message should be transcoded based only on

comparing the media characteristics of the multimedia message with actual or assumed

multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder

transcodes the formatted original scalable encoded media data prior to delivery to the

media destination to generate a scaled version of the formatted original scalable

encoded media data, based on matching the scalability attributes and the receiving

attributes and using the data structure information").

As per **claim 13**, Mukherjee teaches a system, comprising a terminal and a

messaging server wherein:

the sending terminal is configured to insert, into a multimedia message for a

receiving terminal, media characteristics of the multimedia message sufficient in detail

to enable determining whether the multimedia message should be transcoded to accommodate multimedia capabilities of the receiving terminal (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

the messaging server is configured to read the media characteristics of the multimedia message and decide whether the multimedia message should be transcoded based only on a comparison of media characteristics and actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information").

As per **claim 21**, Mukherjee teaches a method for use by a terminal comprising:

determining media characteristics for media components of a multimedia message intended for a receiving terminal, wherein the media characteristics of the multimedia message are sufficient in detail to enable determining whether the multimedia message should be transcoded to accommodate multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information"); and

inserting the media characteristics of the multimedia message into the multimedia message (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... ").

As per **claim 24**, Mukherjee teaches a method for use by a messaging server comprising:

obtaining media characteristics of the multimedia message that are inserted into the multimedia message intended for a receiving terminal (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

deciding whether the multimedia message should be transcoded based only on a comparison of the inserted media characteristics and actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information").

As per **claim 27**, Mukherjee teaches an apparatus for transmitting a multimedia message, the apparatus comprising a processor configured to:

determine media characteristics for a media component of the multimedia message (see col.3, lines 4-15); and

insert the media characteristics of the multimedia message into the multimedia

message (see col.3, lines 42-52: "The media source provides scalable encoded media

data in a format including first and second portion... ").

As per **claim 30**, Mukherjee teaches a method for transmitting a multimedia

message, the method comprising:

determining media characteristics for a media component of the multimedia

message (see col.3, lines 4-15); and

inserting the media characteristics of the multimedia message in the multimedia

message (see col.3, lines 42-52: "The media source provides scalable encoded media

data in a format including first and second portion... ").

As per **claim 33**, Mukherjee teaches an apparatus for processing a multimedia

message, the apparatus comprising a processor configured to:

receive media characteristics of a media component of the multimedia message

in a field of the multimedia message (see col.3, lines 42-52: "The media source provides

scalable encoded media data in a format including first and second portion... "); and

determine whether the multimedia message should be transcoded based at least

in part on a comparison of the received media characteristics of the multimedia

message and actual or assumed multimedia capabilities of a receiving terminal (see

col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded

media data prior to delivery to the media destination to generate a scaled version of the

formatted original scalable encoded media data, based on matching the scalability

attributes and the receiving attributes and using the data structure information").

As per **claim 38**, Mukherjee teaches a method for processing a multimedia message, the method comprising:

receiving media characteristics of a media component of the multimedia message in a field of the multimedia message (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

determining whether the multimedia message should be transcoded based at least in part on a comparison of the received media characteristics of the multimedia message and actual or assumed multimedia capabilities of a receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information").

As per **claim 48**, Mukherjee teaches an apparatus comprising:

means for receiving media characteristics of a multimedia message that are inserted in a filed of the multimedia message (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

means for determining whether the multimedia message should be transcoded based on a comparison of the media characteristics of the multimedia message and actual or assumed multimedia capabilities of a receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to

delivery to the media destination to generate a scaled version of the formatted original

scalable encoded media data, based on matching the scalability attributes and the

receiving attributes and using the data structure information").

DEPENDENT:

As per **claim 2**, which depends on claim 1, Mukherjee further teaches wherein

the messaging server sends the multimedia message to a transcoding server if

transcoding is needed, and the transcoding server uses the inserted media

characteristics of the multimedia message to itself decide if transcoding is needed (see

Fig.9).

As per **claim 3**, which depends on claim 1, Mukherjee further teaches wherein

the messaging server sends the multimedia message to a transcoding server if

transcoding is needed, and the transcoding server uses the inserted media

characteristics of the multimedia message to itself decide which parts of the multimedia

message need transcoding (see Fig.1).

As per **claim 4**, which depends on claim 1, Mukherjee further teaches wherein

the messaging server determines, from the inserted media characteristics of the

multimedia message, which parts of the multimedia message need transcoding and

sends the multimedia message to a transcoding server if transcoding is needed for any

message part, and includes in the multimedia message an indication of which parts of

the multimedia message need transcoding (see Fig.9 and col.14, lines 11-21).

As per **claim 5**, which depends on claim 1, Mukherjee further teaches wherein the messaging server determines, from the inserted media characteristics of the multimedia message, which parts of the multimedia message need transcoding and sends only those message parts requiring transcoding to a transcoding server (see Fig.9 and col.14, lines 11-21).

As per **claim 6**, which depends on claim 1, Mukherjee further teaches wherein the transcoding is performed based on a comparison the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal, without performing an analysis of the multimedia message to determine whether transcoding is needed (see col.3, lines 56-62 and col.5, line 63-col.6, line 2).

As per **claim 7**, which depends on claim 6, Mukherjee further teaches wherein the transcoding is performed without also performing even an analysis to determine which parts of the multimedia message need to be transcoded (see col.5, line 63-col.6, line 2).

As per **claim 8**, which depends on claim 1, Mukherjee further teaches wherein the user agent inserts the media characteristics of the multimedia message into a field in the header of the multimedia message (see Fig.3A and Fig.3B).

As per **claim 9**, which depends on claim 1, Mukherjee further teaches wherein the user agent inserts the media characteristics of the multimedia message into a header field in the body of the multimedia message (see Fig.3A and Fig.3B).

As per **claim 10**, which depends on claim 1, Mukherjee further teaches wherein the media characteristics of the multimedia message include image and video

resolution, or number of frames and frame rate of visual content, or sampling rate of

audio content (see col.5, lines 35-50).

As per **claim 14**, which depends on claim 13, Mukherjee further teaches wherein

the messaging server is further configured to transcode the multimedia message based

on the inserted media characteristics and the actual or assumed multimedia capabilities

of the receiving terminal, without performing an analysis of the multimedia message to

determine media characteristics of the multimedia message relevant to deciding

whether transcoding is needed (see col.3, lines 56-62 and col.5, line 63-col.6, line 2).

As per **claim 15**, which depends on claim 13, Mukherjee further teaches wherein

the messaging server is further configured to send the multimedia message to a

transcoding server if transcoding is needed, and the transcoding server is configured to

use the inserted media characteristics to decide if transcoding is needed (see col.3,

lines 15-22).

As per **claim 16**, which depends on claim 13, Mukherjee further teaches wherein

the messaging server is further configured to send the multimedia message to a

transcoding server if transcoding is needed, and the transcoding server is configured to

use the inserted media characteristics to decide which parts of the message need

transcoding (see Fig.9 and col.14, lines 11-21).

As per **claim 17**, which depends on claim 13, Mukherjee further teaches wherein

the messaging server is further configured to determine, from the inserted media

characteristics, which parts of the multimedia message need transcoding and to send

the multimedia message to a transcoding server if transcoding is needed for any

message part, and to include in the multimedia message an indication of which parts of the multimedia message need transcoding (see Fig.9 and col.14, lines 11-21).

As per **claim 18**, which depends on claim 13, Mukherjee teaches of further comprising a transcoding engine for transcoding the multimedia message, wherein the transcoding is performed based on a comparison of the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal, without performing an analysis of the multimedia message to determine whether transcoding is needed (see col.3, lines 56-62 and col.5, line 63-col.6, line 2).

As per **claim 19**, Mukherjee further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a sending terminal, wherein said computer program code includes instructions for performing the method of claim 21 (see col.14, lines 22-25).

As per **claim 20**, Mukherjee further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a messaging server, wherein said computer program code includes instructions for performing the method of claim 24 (see col.14, lines 22-25).

As per **claims 22 and 25**, which respectively depend on claims 21 and 24, Mukherjee further teaches wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into

or obtained from a field in the header of the multimedia message (see Fig.3A and
Fig.3B).

As per **claims 23 and 26**, which respectively depend on claims 21 and 24,
Mukherjee further teaches wherein the multimedia message has a header portion and a
body portion, and the media characteristics of the multimedia message are inserted into
or obtained from a header field in the body of the multimedia message (see Fig.3A and
Fig.3B).

As per **claims 28, 31, 34, and 39**, which respectively depend on claims 27, 30,
33 and 38, Mukherjee further teaches wherein the multimedia message has a header
portion and a body portion, and the media characteristics of the multimedia message
are provided in or received in a field in the header of the multimedia message (see
Fig.3A and Fig.3B).

As per **claims 29, 32, 35, and 40**, which respectively depend on claims 27, 30,
33 and 38, Mukherjee further teaches wherein the multimedia message has a header
portion and a body portion, and the media characteristics of the multimedia message
are provided in or received in a header filed in the body of the multimedia message (see
Fig.3A and Fig.3B).

As per **claims 36 and 41**, which respectively depend on claims 33 and 38,
Mukherjee further teaches wherein the processor is further configured to: determine
media components of the multimedia message which need transcoding based at least
on the respective received media characteristics (see col.3, lines 15-22); and transmit at
least a part of the multimedia message to a transcoding server (see Fig.9).

As per **claims 37 and 42**, which respectively depend on claims 33 and 38, Mukherjee further teaches wherein the processor is further configured to: transcode a media component of the multimedia message based at least on the actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 15-22 & 54-62).

As per **claim 43**, which depends on claim 24, Mukherjee further teaches wherein the media characteristics of the multimedia message comprise at least one of the following: image or video resolution, number of frames, frame rate of visual content, sampling rate of audio content message (see col.5, lines 35-50).

As per **claims 44-47**, which respectively depend on claims 27, 30, 33 and 38, Mukherjee further teaches wherein the media characteristics of the multimedia message comprise at least one of the following: image or video resolution, number of frames, frame rate of visual content, sampling rate of audio content (see col.5, lines 35-50).

Response to Arguments

5.   Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection. Although transcoding inherently requires knowledge of multimedia characteristics of the sending node such that appropriate transcoding is performed to send the transcoded multimedia message to the receiving node, Mukherjee et al. (US 7,133,925) has been cited to expedite prosecution. Mukherjee clearly teaches the argued aspect of the arguments, namely "media characteristics of a multimedia message".

Conclusion

6.   For the reasons above, claims 1-48 have been rejected and remain pending.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL Y. WON whose telephone number is

(571)272-3993. The examiner can normally be reached on M-Th: 10AM-8PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

October 9, 2008